HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.36 of 2007

Appellant Plaintiff — Narsingh, S/o Amarnath, aged about 55 years, R/o Village Navagarh, Tahsil Navagarh, Distt. Janjgir-Champa (C.G.)

versus

Respondents

1. Khedi Bai, Wd/o Manharan Lal, aged about 65 years, R/o Village Siladehi, Tahsil Champa, Distt. Janjgir-Champa (C.G.)
2. Ramsharan Uppadhyay, S/o Heera Lal, aged about 60 years, R/o Navagarh, Tahsil Navagarh, Distt. Janjgir-Champa (C.G.)
3. State of Chhattisgarh, Through : Collector, Janjgir-Champa (C.G.)

Seond Appeal under Section 100 of the Code of Civil Procedure

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Present : Shri N.K.Chatterjee, counsel for the appellant.
Shri Akhil Agrawal, Panel Lawyer for the State/respondent No.3.

ORAL ORDER
(Passed on 17th November, 2007)

Heard on admission.

(2) The appellant is aggrieved by the judgment and decree dated 21-11-2006 passed by the Additional District Judge, Janjgir-Champa in Civil Appeal No.66-A/2005, whereby affirming the judgment and decree dated 13-10-2003 passed by the IInd Civil Judge Class-II, Janjgir in Civil Suit No.196-A/2000, the appeal was dismissed.

(3) Both the Courts below have, on proper appreciation of evidence, oral as well as documentary, recorded a concurrent finding

of fact that the appellant/plaintiff failed to prove his adverse possession on the suit land. It was also held that no relief for possession of the suit land was claimed by the appellant/plaintiff although it was admitted by him in cross-examination that respondent No.2/defendant No.2 was in possession of the land Khasra No.2887/1 and 2887/2. The appellant/plaintiff admitted in paragraph 3 that his father Amarnath had died in 1957. Both the Courts below have recorded a concurrent finding that respondent No.1/defendant No.1, who is the daughter of Amarnath, also had right over the suit property and that the appellant/plaintiff had failed to prove adverse possession by proving ouster of respondent No.1/defendant No.1 from the suit land. In this view of the matter, in my considered opinion, the concurrent finding recorded by both the Courts below is impeccable and no substantial question of law arises for determination in this appeal.

(4) Accordingly, this appeal is dismissed at the stage of admission. No order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal